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PATENT
FD-Y01-28
Recons
8/22/02
W Hart

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: CHRIS J. CAVANAUGH
Serial No.: 09/932,018
Filed: August 18, 2001
For: UNIVERSAL HOLDING FIXTURE

: Date: August 8, 2002
:
: Group Art Unit: 3723
:
: Examiner: Lee Wilson

RESPONSE TO OFFICE ACTION

RECEIVED

Commissioner of Patents and Trademarks
Washington, D. C. 20231

AUG 16 2002

TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action mailed August 1, 2002, please consider the following remarks regarding the allowability of the above-identified patent.

Regarding the status of the present application, Claims 1-19 are pending in this application. Reconsideration of this application is respectfully requested.

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 3,987,579 issued to Palenik, III. It is respectfully submitted that the Examiner's rejection is in error.

The Palenik, III patent discloses "A kit-type game or amusement device having a foundation board, building blocks and connector rods. The board and blocks have holes formed therein adapted to frictionally receive the rods, and the spacing between adjacent holes on both are related. The relationship makes possible the construction of an almost limitless variety of free-form structures."

The Examiner's stated that "Palenik III discloses a universal fixture having a plurality of dual axis clamps (38) each are rotatably and slidably secured rods (fig.3), and a base (130). Palenik III discloses enough parts to anticipates all claim pluralities." It is respectfully submitted that the present invention is not disclosed or suggested by the Palenik, III patent, and that the Examiner's position is in error.

Claim I calls for a universal holding fixture for holding an object that comprises "a plurality of dual axis clamps that are each rotatable, slidable and securable to rods to form an articulated structure, which rods and clamps are rotatable an slidable relative to each other to position the rods at varying and arbitrary angles relative to each other, and wherein selected rods are suitably positioned and secured to hold the object".

The Palenik, III patent does not disclose "dual axis clamps". The Palenik, III patent discloses that "building blocks 15 comprise a plurality each of basic three-dimensional forms, such as, cubes 32, rhombic parallelepipeds 34, rectangular parallelepipeds 36 and 38, and triangular prisms 40." There are no clamping devices disclosed or suggested in the Palenik, III patent. The components (38) referred to by the Examiner are parallelepipeds 38, which are blocks that have holes 44 therein.

The parallelepipeds and other block-like components disclosed in the Palenik, III patent are not "securable to rods". It is stated that "Each of the blocks has one or more holes formed in at least two sides thereof." It is stated that "To build a free-form structure with the device 10, it is simply necessary to insert connector rods 17 into foundation board holes 24 and insert the opposite ends of said rods into holes 44 of building blocks 15." Thus a rods are inserted into one or more holes in the base and into holes in selected blocks producing an erected structure. There is no means for securing the blocks to the rods disclosed or suggested in the Palenik, III patent.

In the present invention, the "rods and clamps are rotatable and slidable relative to each other to position the rods at varying and arbitrary angles relative to each other". This is clearly not the case with the Palenik, III device. The holes in the blocks and base of the Palenik, III device are "spaced apart a distance of $1/2U$ or a whole number multiple of U , such as, $1U$, $2U$, etc., as indicated in FIG. 2". Thus, there are no arbitrary angles into which the Palenik, III structure may be positioned. The rods are either horizontal, vertical or at a fixed angle defined by the angle of an edge of a triangular block.

Furthermore, the Palenik, III patent does not disclose or suggest that any structure that is formed is intended to hold any object. While it appears to be possible to construct a structure using the base, blocks and rods that might somehow support an object, it is clear that this is not disclosed or suggested by the Palenik, III patent, nor would such a structure form "an articulated structure having dual axis clamps that may be positioned at arbitrary angles relative to each other and that hold an object, as is the case with the present invention."

Therefore in view of the above, it is respectfully submitted that the Palenik, III patent does not disclose or suggest the invention recited in Claim 1. Furthermore, it is respectfully submitted that the present invention is not derivable from the teachings of the Palenik, III patent without distorting or extending its teachings and using hindsight reconstruction in light of Applicant's own teachings.

Therefore, it is respectfully submitted that the invention recited in Claim 1 is not disclosed or suggested by the Palenik, III patent. Withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested.

Dependent Claims 2-11 are considered patentable based upon their dependence from allowable Claim 1. Withdrawal of the Examiner's rejection and allowance of Claims 2-11 are respectfully requested.

Independent Claims 11 and 17 are considered patentable for the same reasons argued with regard to Claim 1. Withdrawal of the Examiner's rejection and allowance of Claims 11 and 17 are respectfully requested.

Dependent Claims 12-16, 18 and 19 are considered patentable based upon their dependence from allowable Claims 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 12-16, 18 and 19 are respectfully requested.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are not anticipated by the cited patents, are therefore patentable, and that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth W. Float", with a stylized flourish at the end.

Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
Office Address: 2 Shire, Coto de Caza, CA 92679
Mailing Address: P. O. Box 80790, Rancho Santa Margarita, CA 92688
Telephone: (949) 459-5519
Facsimile: (949) 459-5520